Training for the Personnel Support Professional (PSP) community

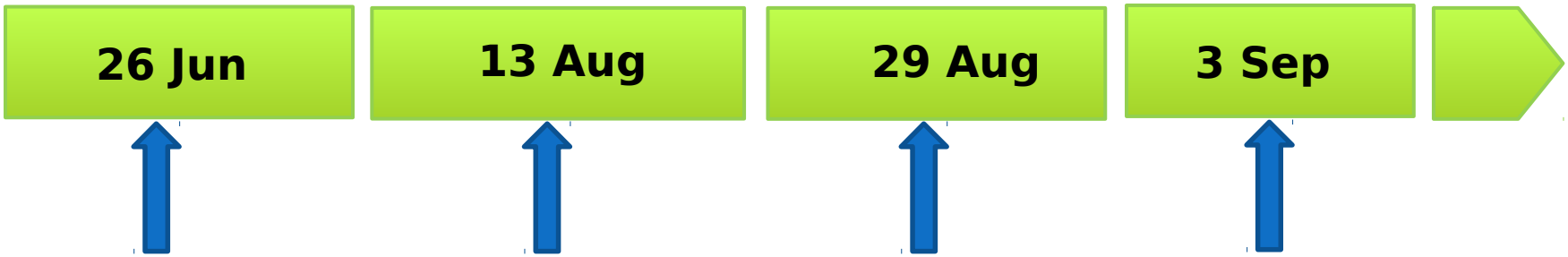
Extending Benefits to the Same-Sex Spouses of Military Members

(10 Oct 13)

Extending Benefits to the Same-Sex Spouses of Military Members

- Purpose:
  - Educate Personnel Support Professional (PSP) community on extending benefits to same-sex spouses of military members
  - Ensure a clear understanding of documentation requirements for extending benefits to same-sex spouses of military members

Navy Plan Timeline 2013


26 Jun
13 Aug
29 Aug
3 Sep
Supreme Court rules DOMA definitions unconstitutional. Same-sex spouse entitlement begins if married on or after this date*
OSD memo released on benefits to same-sex spouses of military members
NAVADMIN 218/13 released detailing guidance on benefits for same-sex spouses
Begin issuing ID cards DoD-wide

*Otherwise entitlements begin on the date of the marriage

What Is the Policy?

- NAVADMIN 218/13 dtd 29 Aug 13:
  - The earliest effective date for married same-sex couples to receive ANY dependent based allowances for the same-sex marriage is 26 June 2013 or their date of marriage, whichever is later. Waiver requests to pay allowances before 26 June 2013 are NOT authorized and will not be considered
  - DoD ID Cards. Active and reserve uniformed and retired service members are now able to obtain a DoD ID card (DD form 1173) for their Same Sex Spouse as of 3 September 2013

What is the Policy?

Administrative Absence to Obtain a Legal Marriage

- Administrative absence for marriage. Up to 10 days of administrative absence for service members assigned OCONUS and up to 7 days for service members assigned CONUS for the purpose of traveling to a jurisdiction to obtain a legal marriage, if they are stationed more than 100 miles from such a jurisdiction
- Not a blanket 7 or 10 days – CO discretion. Review the MPM for guidance.
- MILPERSMAN 1050-440 implements policy details for the administrative absence. ALNAV 061/13 provided secretarial authority for this policy
  - Requires 1336/3, 1070/613 (Page 13 draft language on DADT Post Repeal website), State/Foreign Country admin requirements, CO approval, submit Page 13 to OMPF upon return with marriage certificate

States that allow same-sex marriage

- As of 21 October 2013:

California	Massachusetts
Connecticut	Minnesota
Delaware	New Hampshire
District of Columbia	New Jersey
Hawaii	New York
Illinois	Rhode Island
Iowa	Vermont
Maine	Washington
Maryland	

Countries that allow same-sex marriage

- As of 6 September 2013:

Argentina	Netherlands
Belgium	New Zealand
Brazil	Norway
Canada	Portugal
Denmark	South Africa
England	Spain
France	Sweden
Iceland	Uruguay
Mexico*	Wales

Navy Announcement

- SECDEF memo of 13 August 2013 extended benefits to the same sex spouses of military members

- NAVADMIN 218/13
  - Provided guidance on benefits for same sex spouses of military members on 29 August 2013
  - Cancelled the implementation of Same-Sex Domestic Partner Benefits
  - Cancelled NAVADMIN 024/13 of 12 February 2013 announcing member designated benefits and guidance on benefits for same sex domestic partners
  - Cancelled NAVADMIN 152/13 of 04 June 2013 implementing training requirements to extend benefits to same sex domestic partners

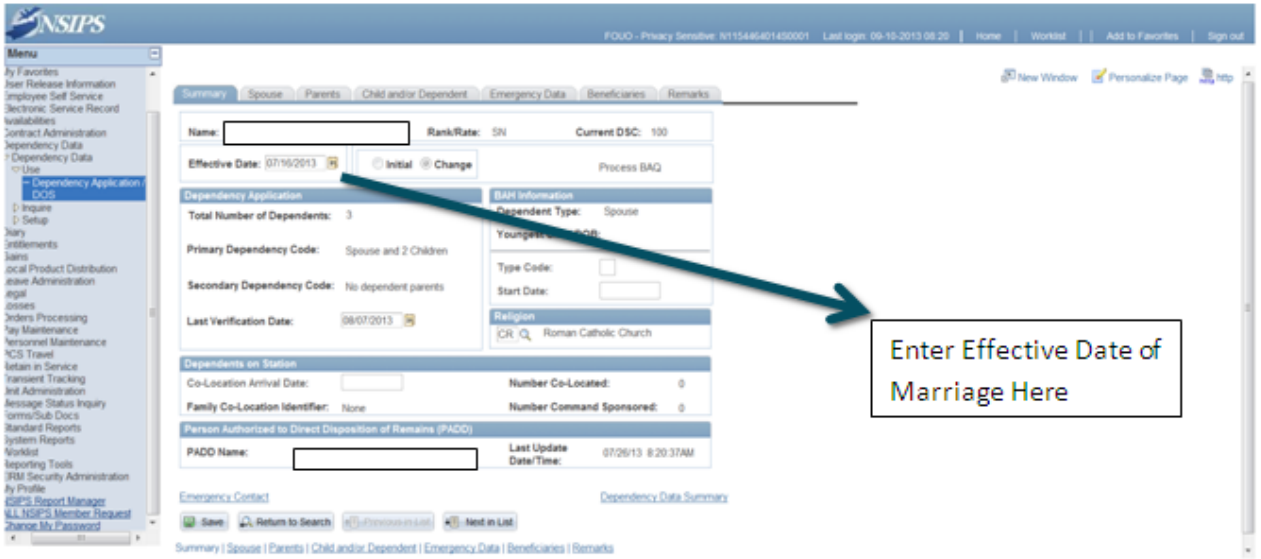
Relationship Documentation

- Valid marriage certificate from one of the 16 states and the District of Columbia that allows same-sex marriage
  - State Same-Sex Marriage Certificate – YES
  - State Civil Union – NO
  - Domestic Partnership – NO

- Marriage Certificate must be presented to start entitlements. Entitlements are effective from the date of the marriage.
  - The license is not sufficient as the member must show proof that the marriage occurred. Sometimes the marriage certificate takes time to be issued. The entitlements may be paid retroactively to the date of the marriage but they may be activated until the valid marriage certificate is verified.

Processing of the NAVPERS 1070/602 form (Page 2)

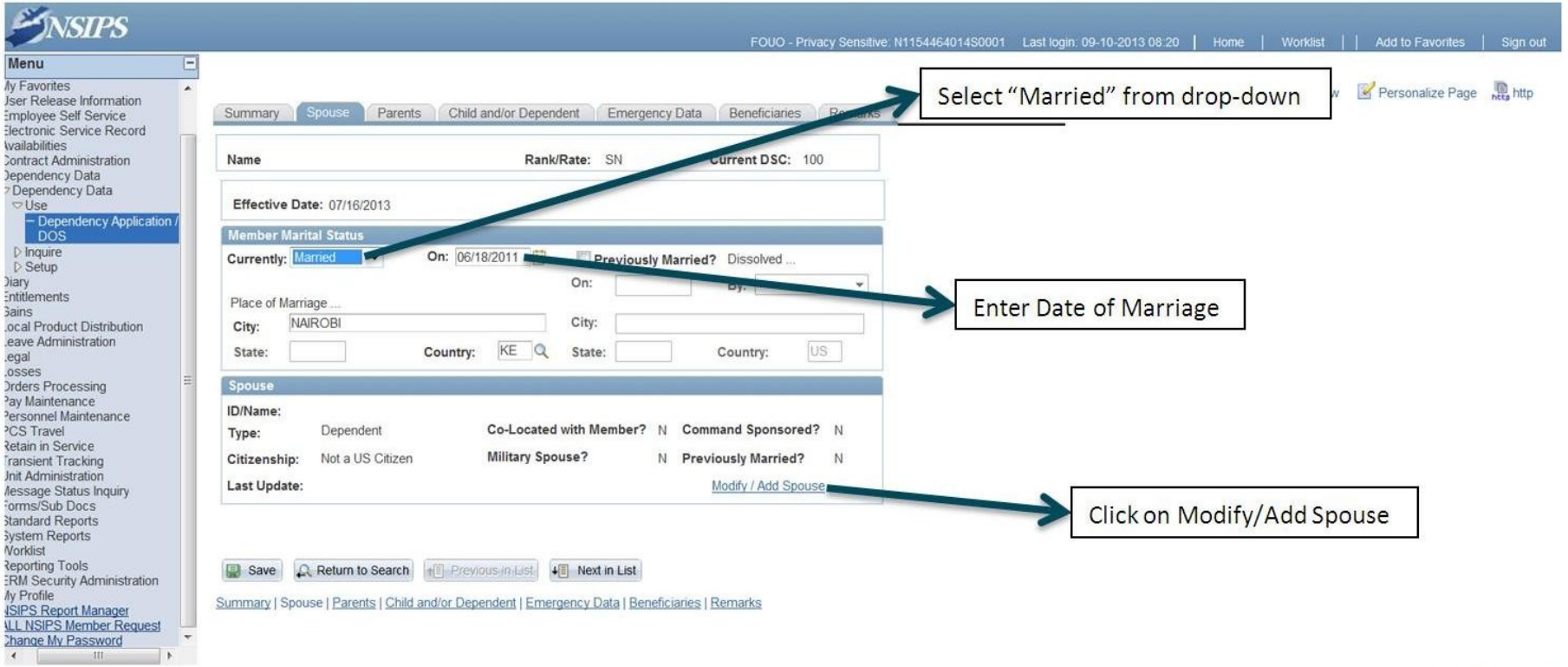
- Until system changes are developed and implemented, the following guidance is provided to reflect effective date of marriage and relationship information in the Member Information panel and Spouse Information panel on the NAVPERS 1070/602 form:



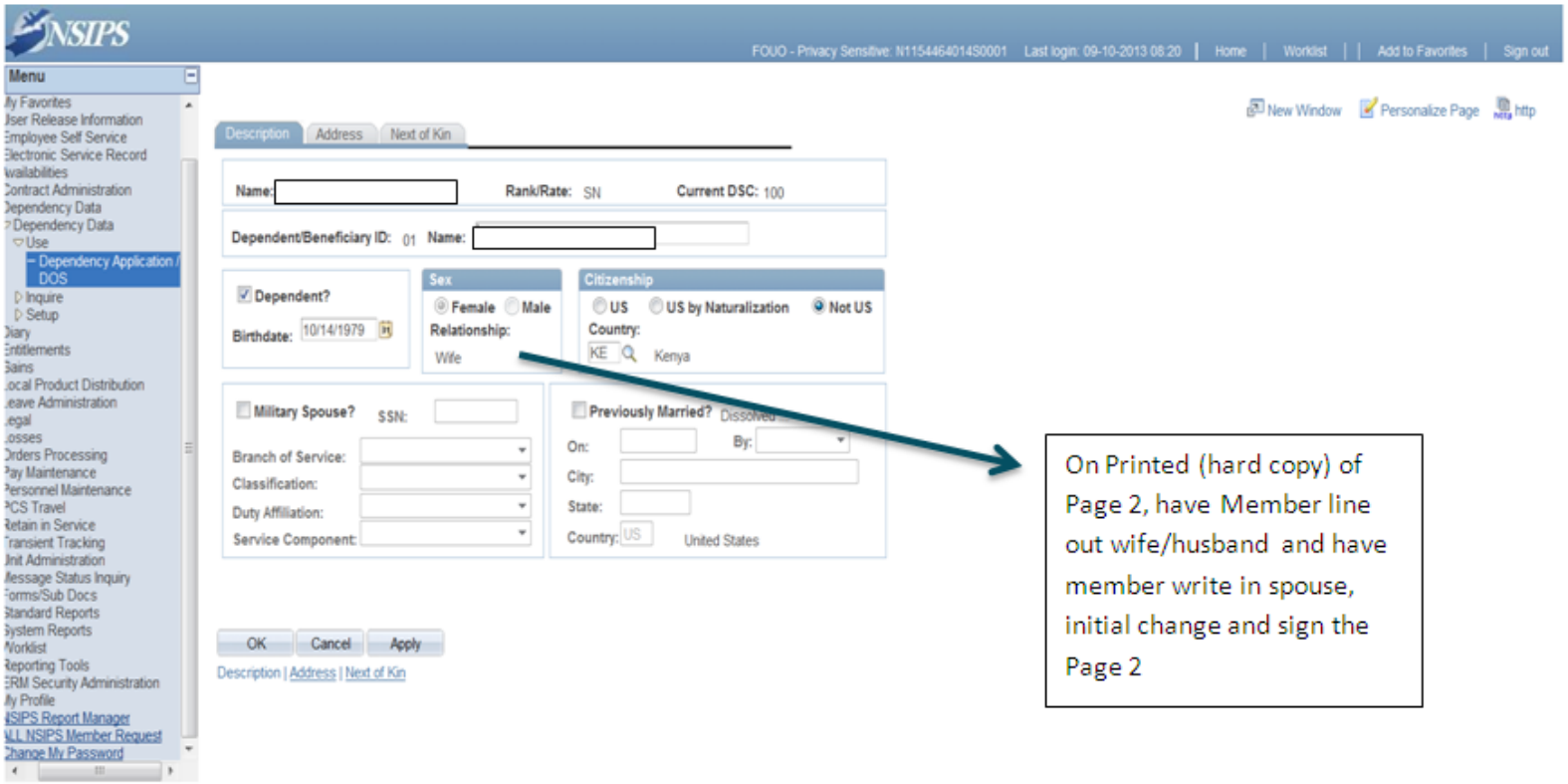
Processing of the NAVPERS 1070/602 form (Page 2) (Cont'd)

- Print out the NAVPERS 1070/602
- Have the service member cross out husband or wife in the relationship block and write in "spouse"
- Have the service member initial the change and sign the NAVPERS 1070/602
- Have the appropriate personnel clerk/supervisor witness/sign the NAVPERS 1070/602
- Prepare the NAVPERS 1070/602 for mailing to PERS 312 using the same office process that is currently in place

Processing of the NAVPERS 1070/602 form (Page 2) (Cont'd)

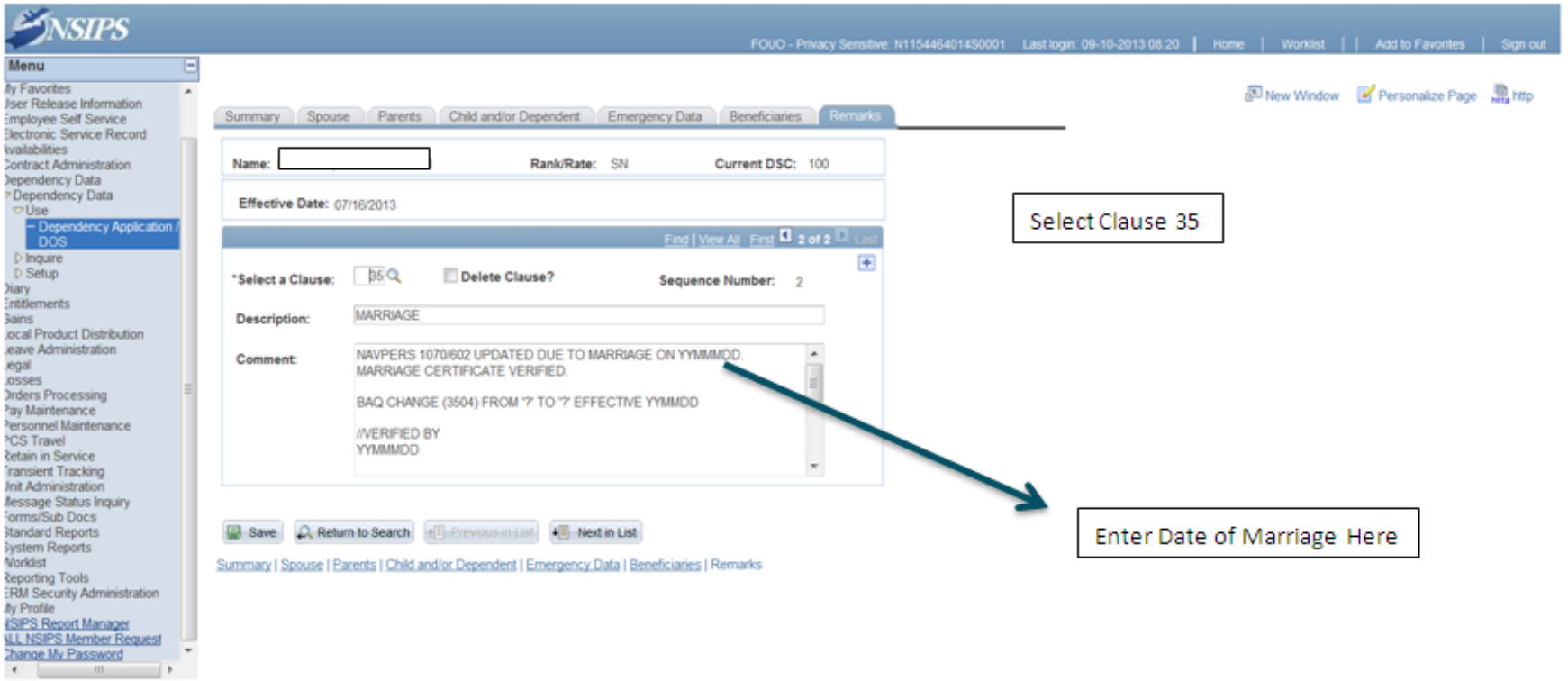

NSIPS
FOUO - Privacy Sensitive: N1154464014S0001 Last login: 09-10-2013 08:20 | Home | Worklist | Add to Favorites | Sign out
Menu
Summary | Spouse | Parents | Child and/or Dependent | Emergency Data | Beneficiaries
Personalize Page
Name Rank/Rate: SN Current DSC: 100
Effective Date: 07/16/2013
Member Marital Status
Currently: Married On: 06/18/2011 Previously Married? Dissolved ...
Place of Marriage ...
City: NAIROBI State: Country: KE
Spouse
ID/Name:
Type: Dependent Co-Located with Member? N Command Sponsored? N
Citizenship: Not a US Citizen Military Spouse? N Previously Married? N
Last Update: Modify / Add Spouse
Save Return to Search Previous in List Next in List
Summary | Spouse | Parents | Child and/or Dependent | Emergency Data | Beneficiaries | Remarks
Select "Married" from drop-down
Enter Date of Marriage
Click on Modify/Add Spouse

Processing of the NAVPERS 1070/602 form (Page 2) (Cont'd)



On Printed (hard copy) of Page 2, have Member line out wife/husband and have member write in spouse, initial change and sign the Page 2

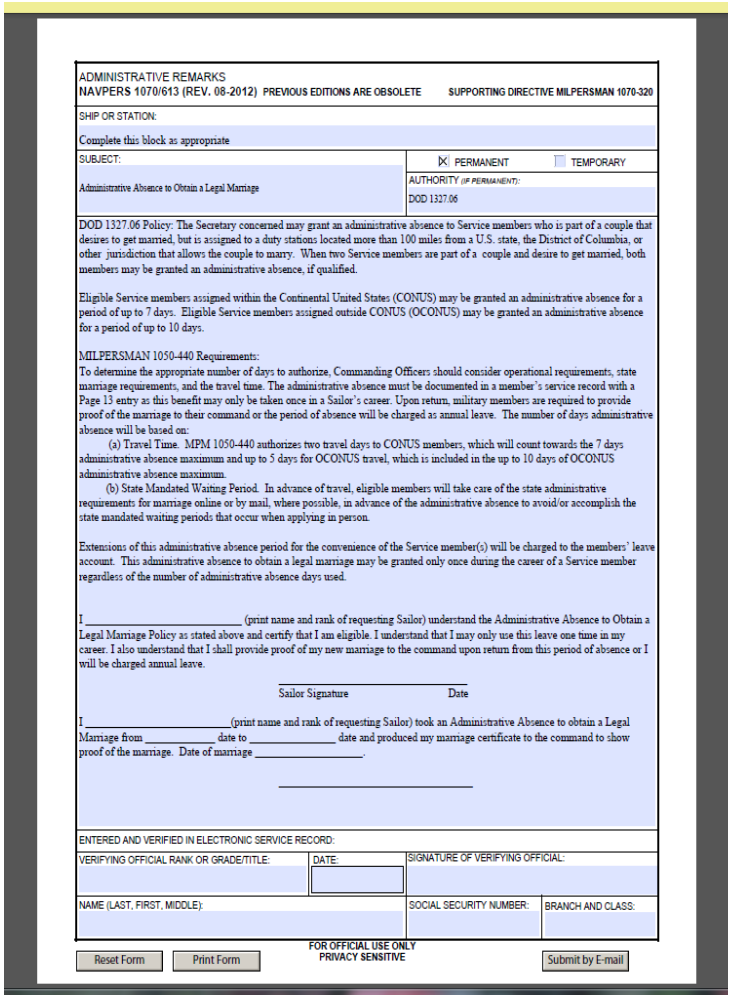
Processing of the NAVPERS 1070/602 form (Page 2) (Cont'd)


NSIPS
FOUO - Privacy Sensitive: N115446401450001 Last login: 09-10-2013 08:20 | Home | Worklist | Add to Favorites | Sign out
Menu
New Window | Personalize Page | http
Summary | Spouse | Parents | Child and/or Dependent | Emergency Data | Beneficiaries | Remarks
Name:
Rank/Rate: SN
Current DSC: 100
Effective Date: 07/16/2013
Find | View All First 2 of 2 Last
*Select a Clause: 35
Delete Clause?
Sequence Number: 2
Description: MARRIAGE
Comment: NAVPERS 1070/602 UPDATED DUE TO MARRIAGE ON YYMMMDD.
MARRIAGE CERTIFICATE VERIFIED.
BAQ CHANGE (3504) FROM '?' TO '?' EFFECTIVE YYMMDD
//VERIFIED BY
YYMMMDD
Save | Return to Search | Previous in List | Next in List
Summary | Spouse | Parents | Child and/or Dependent | Emergency Data | Beneficiaries | Remarks
Select Clause 35
Enter Date of Marriage Here

Process of Requesting Administrative Absence to Obtain a Legal Marriage

- Service members must submit:
  - A special request chit (NAVPERS 1336/3 Special Request Authorization) until such time as Navy Standard Integrated Personnel System (NSIPS) is updated to facilitate this type of administrative absence.
  - Accompanying the special request chit, members will submit the administrative requirements for the state or jurisdiction in which they are authorized and intending to marry.
  - A signed Page 13 – Instructions may be found on NPC's DADT Post Repeal web site. *(See example on next slide.)*
  - Upon return, present a valid marriage certificate or annual leave will be charged.

Instructions for NAVPERS 1070/613 (Page 13) to document Administrative Absence to Obtain a Legal Marriage



ADMINISTRATIVE REMARKS
NAVPERS 1070/613 (REV. 08-2012) PREVIOUS EDITIONS ARE OBSOLETE SUPPORTING DIRECTIVE MILPERSMAN 1070-320

SHIP OR STATION:

Complete this block as appropriate

SUBJECT: [X] PERMANENT [ ] TEMPORARY

Administrative Absence to Obtain a Legal Marriage

AUTHORITY (IF PERMANENT):

DOD 1327.06

DOD 1327.06 Policy: The Secretary concerned may grant an administrative absence to Service members who is part of a couple that desires to get married, but is assigned to a duty stations located more than 100 miles from a U.S. state, the District of Columbia, or other jurisdiction that allows the couple to marry. When two Service members are part of a couple and desire to get married, both members may be granted an administrative absence, if qualified.

Eligible Service members assigned within the Continental United States (CONUS) may be granted an administrative absence for a period of up to 7 days. Eligible Service members assigned outside CONUS (OCONUS) may be granted an administrative absence for a period of up to 10 days.

MILPERSMAN 1050-440 Requirements:
To determine the appropriate number of days to authorize, Commanding Officers should consider operational requirements, state marriage requirements, and the travel time. The administrative absence must be documented in a member's service record with a Page 13 entry as this benefit may only be taken once in a Sailor's career. Upon return, military members are required to provide proof of the marriage to their command or the period of absence will be charged as annual leave. The number of days administrative absence will be based on:

(a) Travel Time. MPM 1050-440 authorizes two travel days to CONUS members, which will count towards the 7 days administrative absence maximum and up to 5 days for OCONUS travel, which is included in the up to 10 days of OCONUS administrative absence maximum.

(b) State Mandated Waiting Period. In advance of travel, eligible members will take care of the state administrative requirements for marriage online or by mail, where possible, in advance of the administrative absence to avoid/or accomplish the state mandated waiting periods that occur when applying in person.

Extensions of this administrative absence period for the convenience of the Service member(s) will be charged to the members' leave account. This administrative absence to obtain a legal marriage may be granted only once during the career of a Service member regardless of the number of administrative absence days used.

I _____ (print name and rank of requesting Sailor) understand the Administrative Absence to Obtain a Legal Marriage Policy as stated above and certify that I am eligible. I understand that I may only use this leave one time in my career. I also understand that I shall provide proof of my new marriage to the command upon return from this period of absence or I will be charged annual leave.

_____
Sailor Signature Date

I _____(print name and rank of requesting Sailor) took an Administrative Absence to obtain a Legal Marriage from _____ date to _____ date and produced my marriage certificate to the command to show proof of the marriage. Date of marriage _____.

_____

ENTERED AND VERIFIED IN ELECTRONIC SERVICE RECORD:

VERIFYING OFFICIAL RANK OR GRADE/TITLE: | DATE: | SIGNATURE OF VERIFYING OFFICIAL:

NAME (LAST, FIRST, MIDDLE): | SOCIAL SECURITY NUMBER: | BRANCH AND CLASS:

Reset Form Print Form FOR OFFICIAL USE ONLY PRIVACY SENSITIVE Submit by E-mail

The word document with the NAVPERS Instruction for this policy can be found here: http://www.public.navy.mil/bupers-npc/support/21st_Century_sailor/dadt/pages/dafault.aspx

Overseas Assignment

Roles and Responsibilities

- Married Dual-Military Collocation. As of 3 September 2013 and thereafter, a collocation request may be considered as with any other married person per Navy policy for CONUS, Alaska, Hawaii, GTMO and U.S. Territories only

- DoD is working with Department of State to conduct a careful review of command sponsorship for overseas tours as well as all applicable host nation laws and Status of Forces Agreements. Host nation law may impact whether a same-sex spouse may be command sponsored and accompany the service member overseas. Currently, Navy is not allowing command sponsorship overseas for same-sex spouses until further clarifying guidance is received.

- Updates to locations approved for Overseas Command Sponsorship of Same-Sex Spouses will be posted to the DADT Post Repeal website.

Overseas Assignment

Roles and Responsibilities

- Commanding Officer:
  - Until further notice, the CO of the transferring command must make a finding that same-sex spouses are unsuitable for overseas accompanied orders due to potential problems with host nation laws.

- Personnel Support Detachments:
  - PSD will not issue an official passport or plane tickets to a same-sex spouse for overseas assignment.

Reference

- Same-sex marriage policy changes will be posted at:
  - http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/dadt/Pages/default.aspx

Questions?